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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,405	09/26/2001	Tami L. Guy	10013329-1	3798
22879 7590 07/10/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/965,405

Applicant(s)

GUY ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17-19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Response to Appeal Brief

1. In view of the Appeal Brief filed on February 05, 2007, PROSECUTION IS HEREBY REOPENED. A non-final Office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 15, 17-19 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to nothing more than abstract ideas. To be legible for a patent, claims that set forth subject matter excluded by a judicial exception (i.e. abstract idea) must be for a practical application. A practical application results if the claimed invention transforms an article or physical object to a different state or thing or if the claimed invention produces a useful, concrete or tangible result. However, claims

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1-23 fail to transform an article or physical object to a different state or thing and the claimed invention as shown by claims 1-23 fail to produce a useful, concrete or tangible result as discussed in detail below.

As to claims 1-12, the claim is directed to a method of doing business comprising: entering into a contract relationship between organizations and authorizing the various entities to perform certain functions. However, the claim is not directed to processing an order or transaction. The claim recites various duties and obligations of the organizations that are parties to the contract. It does not appear that the claim is directed to a practical application of a judicial exception. In order for the claim to be directed to a practical application of a judicial exception, a useful, concrete and tangible result is produced. In order for the claim to be tangible the claim must set forth a practical application to produce a real world result. If the result is merely a thought, this is not a tangible or real world result. In claim 1, the claim is directed to various conditions that must be met in order for organizations to carry out various functions. The claim does not produce a real world result. Therefore, the claim is non statutory.

As to claims 13, 15 and 17, the claim is directed to a method of doing business comprising establishing requirements for organizations regarding the sale of items and listing the various responsibilities of each of the organizations. However, the claim is not directed to processing an order or transaction. The claim is directed to various conditions that must be met in order for organizations to carry out various functions. The claim does not produce a real world result. Therefore, the claim is non statutory.

As to claim 18, the claim is directed to a method of doing business comprising establishing requirements for organizations regarding the sale of items, listing the various

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responsibilities of each of the organizations and notification requirements for each of the organizations if certain conditions are met. However, the claim is not directed to processing an order or transaction. The claim does not produce a real world result. Therefore, the claim is non statutory.

As to claims 19 and 22, the claim is directed to a method of doing business comprising: Determining whether an organization providing services has completed the service, determining the types of services provided or to be provided and determining a billing strategy based on this determination. However, the claim is not directed to processing a bill for an order or transaction. The claim does not produce a real world result. Therefore, the claim is non statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. (hereinafter Sharp), Pat. No. 6,263,317 in view of Curie et al (US 6,871,232 B2).

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As to claim 1, Sharp discloses a method for a first organization to do business comprising: authorizing said second organization to take an order from a customer (i.e. supplier) (col. 3, lines 20-25); receiving payment directly from said customer as a payment for said order taken by said second organization (col. 4, lines 2-4); requiring an organization other than said first organization to ship products not produced by said first organization to said customer (i.e. distribution channel actually used to ship the product (col. 4, lines 36-55). Sharp does not explicitly disclose entering into a contractual relationship with a second organization; said order comprising at least one of: products not produced by said first organization, and services not provided by said first organization requiring an organization other than said first organization to provide services to said customer. However, Curie discloses entering into a contractual relationship with a second organization (i.e. reseller agreements) (see fig. 13). Curie also discloses said order comprising at least one of: products not produced by said first organization, and services not provided by said first organization (i.e. value added services) (col. 28, lines 6-50). Finally, Curie discloses requiring an organization other than said first organization to provide services to said customer (i.e. resellers ... value added services) (col. 25, line 53 to col. 26, line 17).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Curie within Sharp for the motivation of offering additional services not offered by direct sellers thereby providing an incentive and increased choices for customers.

As to claim 2, Sharp does not explicitly disclose a method further comprising: requiring said second organization to provide a second organization service to a customer. However,

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Curie discloses requiring said second organization to provide a second organization service to a customer (i.e. value added services) (see fig. 9). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Curie into the system of Sharp for the same motivation as for claim 1 above.

As to claim 3, Sharp does not explicitly disclose the method of claim 1 and further comprising: requiring a third organization to provide a third organization service to said customer. However, Curie discloses requiring an organization other than said first organization to provide services to said customer (i.e. resellers ... value added services) (col. 25, line 53 to col. 26, line 17). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Curie into the system of Sharp for the motivation stated for claim 1 above.

As to claim 4, Sharp discloses the method of claim 1 and further comprising: requiring a third organization to ship a third organization product to said customer (i.e. alternative supplier with available inventory) (col. 5, lines 29-55).

As to claim 5, Sharp discloses the method of claim 4 wherein said requiring a third organization to ship comprises requiring said third organization to ship said third organization product from a facility not controlled by said first organization (col. 5, lines 5-17).

As to claim 6, Sharp discloses the method of claim 4 and further comprising: verifying that said third organization product was received by said customer (col. 8, lines 58-64).

As to claim 8, Sharp discloses the method of claim 1 and further comprising: tracking receipt of said payment by computer (col. 4, lines 2-8).

As to claim 9, Sharp discloses the method of claim 1 and further comprising: paying said second organization a predetermined amount based on said order (col. 4, lines 1-8).

As to claim 10, Sharp discloses the method of claim 9 and further comprising: tracking said paying said second organization by computer (col. 4, lines 1-8).

As to claim 11, Sharp discloses the method of claim 4 and further comprising: paying said third organization for said third organization product (col. 4, lines 1-8).

As to claim 12, Sharp discloses the method of claim 11 and further comprising: tracking said paying said third organization by computer (col. 4, lines 1-8).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp and Curie as applied to claim 1 above, and further in view of Hogan (US 2001/0002464 A1).

As to claim 7, Sharp and Curie do not explicitly disclose the method of claim 3 and further comprising: verifying that said third organization service was performed by said third organization. However, Hogan discloses verifying that the service was performed by the organization (paragraphs 38 and 41). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Hogan into the combined systems of Sharp and Curie for the motivation of automating equipment servicing and task management to allow access to maintenance reports (paragraph 12).

6. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp as applied to claim 13 above, and further in view of Carpenter et al (US 6,868,401).

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As to claim 13, Sharp discloses a method for a first organization to do business comprising; requiring a second organization to take an order for sales items on behalf of the first organization (i.e. supplier) (col. 3, lines 20-25); in response to a determination that the order includes a product distributed by a third organization sending an order for that product to the third organization (i.e. alternative supplier with available inventory) (col. 5, lines 29-55); requiring the third organization to ship the product directly to a customer's address (i.e. distribution channel actually used to ship the product) (col. 4, lines 36-55). Sharp does not explicitly disclose a notification system but Carpenter discloses invoicing the customer after the physical transfer of the property has been completed. In addition, parties to the transaction are notified of the their financial obligations (col. 5, lines 7-20). As far as the new limitations about product shipped by the third organization is less than all items distributed that were on the order, it makes complete sense the product shipped by the third organization is less than the other organization because the third organization is sending only product not carried out by the other organization. Most of products are already met by the first two organization so the third organization is only left with very few products.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Carpenter within Sharp for the motivation of processing transactions through a computer network and tracks transaction through to completion (col. 2, lines 8-15).

As to claim 15, Sharp does not explicitly disclose invoicing the customer after the third organization notifies the second organization that the product has been shipped. However, Carpenter discloses invoicing the customer after the physical transfer of the property has been

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completed. In addition, parties to the transaction are notified of the their financial obligations (col. 5, lines 7-20).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Carpenter within Sharp same reasons given in claim 13.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp as applied to claim 13 above, and further in view of Work.

As to claim 17, Sharp does not explicitly disclose the method of claim 13 further comprising: requiring the second organization to notify the first organization when the order is incomplete and when the backlog for items on the order that were not shipped is longer than a predetermined number of days. However, Work discloses requiring the second organization to notify the first organization when the order is incomplete (i.e. improper fill rates ... shortages) (paragraphs, 44, 45, 48, and 65) and when the backlog for items on the order that were not shipped is longer than a predetermined number of days (paragraphs, 44, 45, 48, and 65).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Work within Sharp for the motivation of tracking vendor compliance with guidelines imposed on distributors, senders, shippers and the like in a supply chain (paragraph 8).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp in view of Bremers (US 6,901,380).

As to claim 18, Sharp discloses a method for a first organization to do business comprising; requiring a second organization to take an order for sales items on behalf of the first organization (i.e. supplier) (col. 3, lines 20-25); in response to a determination that the order includes a product distributed by a third organization sending an order for that product to the third organization (i.e. alternative supplier with available inventory) (col. 5, lines 29-55). Sharp does not explicitly disclose requiring the third organization to notify the first organization when the order exceeds a predetermined credit limit of the second organization. However, Bremers discloses processing business transactions, determining if the order exceeds a predetermined credit limit and presenting the transaction to a user for resolution (i.e. authorizing a higher credit limit) (col. 9, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Bremers within Sharp for the motivation of a system that provides feedback representing purchase order or customer information changes (col. 2, lines 35-45).

Allowable Subject Matter

9. Claims 19 and 22 are allowed if overcome the 101 rejection.

Response to Arguments

10. Applicant's arguments with respect to claims 1-13, 15, 17-19 and 22 have been considered but are moot in view of the new ground(s) of rejection. The previous arguments

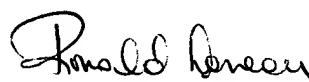
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made by the Examiner still stand since Applicant has made the same remarks in his filing of the Appeal Brief and some other have been convincing enough to trigger a new ground of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Examiner
Art Unit 3714

6/23/07

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